

DFEH News Brief

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For Immediate Release

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COURT OF APPEAL UPHOLDS \$460,000 JURY AWARD IN RIVERSIDE COUNTY DISABILITY DISCRIMINATION CASE

Elk Grove – The Department of Fair Employment and Housing (DFEH) today announced that the 4th District Court of Appeal has upheld a \$460,000 jury award to a former detective with the Riverside County Sheriff's Department. The jury found that the County failed to grant William Clark a reasonable accommodation of the mental disability he developed following an on-the-job injury. Because the appellate court found that the jury's award of \$160,000 in economic damages and \$300,000 in noneconomic damages was appropriate, it remains the largest verdict in the DFEH's 25-year history. Whether or not the County will ask the California Supreme Court to review the case is unknown.

The DFEH filed the civil case in December 2000 in Riverside County Superior Court. Clark developed a mental disability after sustaining a head injury while serving a search warrant. Because his disability prohibited him from carrying a weapon, he could no longer perform the duties of a Sheriff's Investigator. The County denied his request for disability accommodation to work as a gardener, truck driver, or other non-peace officer position, as was recommended by his physician. The County also instructed him not to accept employment outside of the Sheriff's Department.

The DFEH successfully argued that the County was obligated to accommodate Clark's disability by transferring him to an available position he could satisfactorily perform. The County contended that it was not required to assign him to a position outside his job classification unless he again participated in the competitive civil service process, even though he was not a new employee.

In an unpublished decision, the appellate court emphasized that “[i]f an employer’s only duty were to reassign a disabled employee to a position involving the same duties and responsibilities he already cannot perform due to his disability, the right of reassignment would mean nothing.”

“The Court of Appeals’ ruling reiterates that California employers have an affirmative obligation to engage in an interactive process with an employee who has a disability in order to ascertain whether a reasonable accommodation can be provided to that employee,” remarked DFEH Director Suzanne M. Ambrose. “The underlying purpose of the Fair Employment and Housing Act’s prohibition on disability discrimination is to keep persons with disabilities working at jobs for which they are qualified whenever possible.”

The DFEH enforces laws prohibiting discrimination in employment, housing, public accommodations and acts of hate violence. Further information about the DFEH and its services may be obtained by visiting the Department’s web site at www.dfeh.ca.gov or by calling (800) 884-1684.